

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case No. :- WP (C) No. 604/2025

Roshini Nagalia

.....Petitioner(s)/Appellant(s)

Through: Mr. Piyush Sharma, Advocate.

Vs

University of Jammu and others

..... Respondent(s)

Through: Mr. Ajay Abrol, Advocate.

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

18.03.2025

01. Through the medium of this petition, the petitioner seeks a direction to the respondent-University to accept her application for re-examination and allow her to reappear for the backlog subjects of the 5th Semester by extending the period for course completion in terms of the University Statutes.

02. As per the University Statutes, notified vide Notification No. 23/Oct/Gen/35 dated 12.10.2023, it is specifically provided that:

“Every student shall qualify in all the papers prescribed for the five-year law course within seven years of joining the first semester.”

“Further the candidate, who fails to qualify all the semester examinations in full within the prescribed time, may be allowed to avail of one more chance to qualify the backlog papers at the immediate next session after the expiry of statutory period by the Vice-Chancellor on the recommendation of the Dean of the faculty”.

03. The petitioner contends that she could not complete her degree within the prescribed period of five years due to suffering from jaundice and a serious liver ailment. It is further submitted that the petitioner's father passed away during the course of her studies, which prevented her from appearing for the 5th-semester

examination. To substantiate her claim, she has placed on record the requisite medical documents and her father's death certificate.

04. The result of the petitioner was declared on 17.10.2024, when she came to know that she had backlogs in two subjects of the 5th semester. By that time, the deadline for applying for revaluation had already passed. Thereafter, the petitioner immediately approached the concerned university to apply for a re-examination for the said backlogs. However, the university denied her request for re-examination and advised her to seek permission from respondent No. 2 by directing the petitioner to justify her assertions by producing requisite medical record.

05. Following this, the petitioner submitted an application to the University along with her medical records to substantiate her medical condition, seeking permission to fill out the re-examination form and reappear for the backlog exams. However, respondent No. 2 rejected the application on the ground that the medical certificate provided was not valid for granting her permission to reappear for the examination.

06. The petitioner then reapplied for permission, submitting all her medical records and test reports. However, respondent No. 3 once again rejected her request, stating that respondent No. 2 had already dismissed her claim and that there was no ground to entertain the matter afresh.

07. Aggrieved by these rejections, the petitioner has approached this court and submits that she would feel satisfied if a direction is issued to the respondent-University to consider her representation with a compassionate view in light of the University Statutes and to decide the matter expeditiously, as the 5th Semester examination is scheduled for 24th March 2025.

08. Heard learned counsel for the parties at length and perused the record.

09. Notice.

10. Mr. Ajay Abrol, learned Advocate, accepts notice on behalf of the respondents.

11. Learned counsel for the respondents is not averse to the disposal of the writ petition at this stage, provided the petitioner's representation is directed to be accorded consideration strictly under the University Statutes.

12. With the consent of the learned counsel for the parties, the instant petition is taken up for final disposal at this stage. Accordingly, a direction is issued to the Vice-Chancellor to consider the representation alleged to have been filed by the petitioner by taking a compassionate view on or before 24th March 2025, when the said examination is scheduled. Due weightage shall be given to the reasons set forth in the representation and the averments pleaded in the instant petition strictly in conformity with the University Statutes. The outcome of such consideration shall be communicated to the petitioner expeditiously before the said examination is scheduled.

13. It is, however, clarified that in case the order of consideration is in favor of the petitioner, the University shall permit her to appear in the backlog examination of the 5th Semester, which is scheduled on 24th March 2025.

14. **Disposed of** in the terms aforesaid.

(Wasim Sadiq Nargal)
Judge

Jammu:

18.03.2025

Michal Sharma/PS